proposition and then worked it back to the source where it was derived from the common law. Where it was purely statutory in its origin he has stated the proposition and the reasoning and then the cases supporting the conclusion. The subjects are considered in a manner similar to other works on contracts and are discussed in logical order, namely, "Freedom of Contract," "Contracts in Violation of Law," "Contracts Against Public Policy," "Operation of Contracts," "Termination of Contracts."

The principal feature of the work is the completeness and brevity with which the author has treated the field before him. The work is a concise statement of the law and a handy reference-book for the student and practitioner. It represents an immense amount of time and labor, both in the matter of a digest of cases and the treatment of the subject. The author is indeed to be congratulated on the accomplishment of the almost herculean task, and we heartily recommend the work to the practitioner and the more advanced student.

W. H. H., Jr.

THE COMMERCIAL POWER OF CONGRESS. By PAUL JONES, LL.B., of the New York Bar. New York: Privately printed. 1904.

Mr. Jones has given to the profession a most excellent work on this subject, based on the clause in the Constitution: "The Congress shall have power . . . to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." In fact, it was this very need, so great was the uncertainty and confusion under the Articles of Confederation, which gave rise to the Constitution itself. After more than a century of legislation and adjudication in accordance with this provision, the authority of Congress thereunder is still rather vague. So closely allied with the daily life of our people and the development of the country, in view of our high state of commercial development and the great combinations of capital engaged therein, no question that confronts the American people is of more vital importance, and the words of Webster, "Nothing is more complex than commerce, and in an age like this, no words embrace a wider field than commercial regulation," are increasingly true.

The author has treated this difficult subject in a most satisfactory manner, and so as to be readily understood. One commendable feature of the work is the complete line of references to the decisions of the court. The book is also valuable from an historical standpoint, tracing, as it does, the development of the question from earliest colonial days. The powers to be

considered fall naturally into four general classes—viz., Those powers which belong exclusively to the several states; those which belong exclusively to the General Government; those which may be exercised concurrently by both the states and the United States, and those which may be temporarily exercised by the states, but only until Congress, by some direct action, assumes the exercise of the power in behalf of the Federal Government.

One feature which is lacking, and that would have added very materially to the value and usefulness of the book, is a complete index, and, possibly, a list of authorities cited.

W. C. M.

NOTES ON RECENT LEADING ARTICLES IN LEGAL PERIODICALS.

CENTRAL LAW JOURNAL.—July 7.

In How Far May Acts of the Legislature be made Contingent upon Being Accepted by Popular Vote without Violating the Principle that Legislative Power Cannot be Delegated? F. E. Williams. The theory of the separation of the sovereign powers of the government is one that has had centuries of discussion; has seemed to be settled; has come again under discussion from ultra modern points of view in these days of the new century. To review a paper of this kind would be to go over the old ground again and add a discussion of the newer theories, which do not supplant, but rather supplement, the old. The author of this paper does not, however, call for quite so exhaustive a discussion; he takes for granted the theory that legislative power cannot be delegated, and from that goes on to attack his problem as stated in his title. He first examines the form of the act, which he states to be of great importance; the act must be *in presenti* to take effect *in futuro*—that is, it must not leave to the people the responsibility of making the law, but only of declaring whether they will accept it or not. "The importance of a complete form of an enactment of this kind is illustrated when the courts say that 'the vote should spring from the law and not the law from the vote,' and that the legislature must exercise its own judgment definitely and finally on the expediency of the act, and in effect declare it to be inexpedient if the vote is unfavorable." Having satisfied the form, the act may be submitted to the people without violating the principle that legislative power cannot be delegated. As to manner of operation, an examination is made into the operation of general statutes, local option statutes, and special local option statutes, finding that "the weight of authority holds that in the absence of express constitutional authorization a legislative act cannot be made contingent upon being accepted by a popular vote of the state at large." As to general local option laws, we find that they are generally upheld, the reasons for this being given with a good deal of particularity. Special local option laws have also been upheld. As to the subject matter of the act, we find that a great variety of subjects have been acted upon, but they are restricted to matters of local interest and concern, and cannot include matters of general interest and concern to all the people of the state or country. Lastly we find that there are constitutional provisions which may affect a particular case, and here again the wording of the act may be of great importance. Mr. Williams summarizes his conclusions as follows: